IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

MONDAY, THE 9TH APRIL 2007 / 19TH CHAITHRA 1929

WP(C).No. 8175 of 2007(W)

PETITIONER:

T.P.ABDUL JABBAR HAJI,
S/O. S.P.ABOOBACKER HAJI, PANDIKASALA HOUSE,
MADAKKARA, CHERUVATHOOR VILLAGE, KASARAGOD DIST.

BY ADV. SRI.P.C.ANIL KUMAR
SRI.P.A.NOOR MUHAMMED
SRI.C.K.PRASAD
SRI.T.K.KUNJUMON

RESPONDENTS:
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1. STATE OF KERALA,
REPRESENTED BY THE CHIEF SECRETARY,
GOVT. OF KERALA, THIRUVANANTHAPURAM.

2. SPECIAL DEPUTY TAHSILDAR (R.R),
HOSDURG TALUK, KASARGOD.

3. SALES TAX OFFICER, HOSDURG.

BY GOVT.PLEADER SRI.MOHAMMED RAFIQ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 09/04/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C) No. 8175/2007 APPENDIX

PETITIONER'S EXHIBITS

Ext.P1: True copy of the receipt issued by the Cheruvathoor Village Officer dated 23-03-2002

Ext.P2: True copy of the receipt issued by the Cheruvathoor Village Officer dated 25-03-2002

Ext.P3: True copy of the receipt issued by the Cheruvathoor Village Officer dated 27-03-2002

Ext.P4: True copy of the receipt issued by the Cheruvathoor Village Officer dated 02-05-2002

Ext.P5: True copy of the receipt issued by the Cheruvathoor Village Officer dated 02-05-2002

Ext.P6: True copy of the sale/auction notice dated 24-11-2005 issued by the 2nd respondent

Ext.P7: True copy of the show cause notice dated 01-02-2007 issued by the 2nd respondent

//True copy//

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K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 8175 OF 2007-W

JUDGMENT

The petitioner is confronted with the prospects of his property being sold in public auction, to realise the sales tax dues to the tune of Rs.1,76,970/-. The sale notified as per Ext.P6 notice will be held soon, it is submitted. The petitioner prays for instalment facility to pay the amount due under Ext.P6.

2. Heard the learned Government Pleader for the respondents also. As per the interim order of this Court, the petitioner has already paid Rs.44,000/-. He may pay the balance amount in five equal monthly instalments. The 1st instalment shall be paid on or before 30.4.2007. The balance four instalments shall be paid on or before the last working day of the succeeding months. If payments are regularly made as directed above, the sale of the property of the petitioner, notified as per Ext.P6 shall not be held. The 3rd respondent shall inform the petitioner, any additional amount he has to pay towards interest, which he shall pay along with the last instalment. Needless to say, if there is any default, the respondents will be free to proceed with the sale of the property, notified for sale as per Ext.P6.

If Ext.P7 is issued to recover the amount due under Ext.P6, further proceedings pursuant to Ext.P7 shall not be taken, provided the petitioner pays the amount as per the instalment facility granted under this judgment.

The Writ Petition is disposed of as above.

9th April, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/